IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

INNOVA PATENT LICENSING, LLC,	§	Civil Action No. 2:10-CV-00251-DF-CE
Plaintiff,	§	
	§	JURY TRIAL DEMANDED
v.	§	
ALCATEL-LUCENT HOLDINGS, INC., et al.,	§	
Defendants.	§	

JOINT CLAIM CONSTRUCTION CHART
PURSUANT TO PATENT RULE 4-5(d)

Pursuant to Patent Rule 4-5(d) and the Court's Scheduling Order dated April 26,

2011, Plaintiff InNova Patent Licensing, LLC ("InNova") and Defendants in the above-

captioned action hereby submit this Joint Claim Construction Chart.

Term or Phrase NOTE: ALL TERMS/PHRASES APPEAR IN CLAIM 1 OF U.S. PAT. NO. 6,018,761	InNova's Proposed Construction	Defendants' Proposed Construction	Court's Construction
"electronic message" ('761, col. 8:17)	**[AGREED]**	**[AGREED]**	an electronic communication with a header portion and message body
"header portion of the message" ('761, col. 8:22)	**[AGREED]**	**[AGREED]**	the portion of an electronic message that contains header fields, each of which has a field name and a field value

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Whether the program must **"determine if the message contains a reference in a header portion of the message"** before performing either of the **"using"** steps in ('761, col. 8:27-30) (**"using the mail processing program and such reference…to the message;"**) or ('761, col. 8:31-35) (**"using the mail processing program and information…to the context information"**).	**[AGREED]**	**[AGREED]**	Yes
"mail processing program" ('761, col. 8:17)	A software program configured to perform each step in the claimed method.	a program that processes mail	
"a reference in a header portion of the message" ('761, col. 8:21-22)	A value in the header portion of the message that is linked to, connected to, or refers the mail processing program to sender context information.	a header field value, other than the email address of the sender, included by the sender to direct the mail processing program to an external location	
"useful to the recipient [in understanding more about the context in which the sender sent the message]" ('761, col. 8:25-26)	This term should be given its plain and ordinary meaning.	indefinite	

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"context information about a sender" ('761, col. 8:16-17) **"at least one feature of the sender's context"** ('761, col. 8:22-23) **"sender's context"** ('761, col. 8:23)	"Information about the sender or the message that is useful to the recipient in understanding more about the context in which the sender sent the message."	indefinite (by incorporating the indefinite phrase "useful to the recipient")	
"recipient" ('761, col. 8:24)	A computer that receives the electronic message.	the person to whom the electronic message is addressed, or the computer used by that person to read the electronic message	
"using the mail processing program and such reference to obtain the context information from a location external to the message" ('761, col. 8:27-30)	To the extent construction is necessary for this block of text, the constituent terms should be construed as listed herein.	using the mail processing program to access the external location to which it was directed by the reference in the header portion of the message and retrieving the sender's "context information" [if that term is found not to be indefinite] contained in that location	
"a reference to the context information" ('761. col. 8:28-29)	A value that is linked to, connected to, or refers the mail processing program to sender context information. "Context information" should be construed as described above.	a pointer that directs the mail processing program to a location containing the sender's "context information" [if that term is found not to be indefinite].	

Term or Phrase NOTE: ALL TERMS/PHRASES APPEAR IN CLAIM 1 OF U.S. PAT. NO. 6,018,761	InNova's Proposed Construction	Defendants' Proposed Construction	Court's Construction
Whether the method of claim 1 can be satisfied by performing only steps (a) ('761, col. 8:20-26) and (b) ('761. col. 8:27-30).	InNova does not agree that the steps can be separated as Defendants propose. The method steps should be construed according to the plain and ordinary meaning of the terms in the claim.	Yes. Performing only steps (a) and (b) is sufficient to infringe and/or anticipate claim 1.	
Whether the method of claim 1 can be satisfied by performing only steps (a) ('761, col. 8:20-26) and (c) ('761, col. 8:31-35).	InNova does not agree that the steps can be separated as Defendants propose. The method steps should be construed according to the plain and ordinary meaning of the terms in the claim.	Yes. Performing only steps (a) and (c) is sufficient to infringe and/or anticipate claim 1.	

Dated: <u>August 26, 2011</u>   **WILLIAMS,MORGAN & AMERSON, P.C.**

By: <u>/s/ *Danny L. Williams*</u>
Danny L. Williams
Lead Attorney
State Bar No. 21518050
danny@wmalaw.com
Ruben Bains
State Bar No. 24001678
RBains@wmalaw.com
WILLIAMS, MORGAN & AMERSON, P.C.
10333 Richmond, Suite 1100
Houston, Texas 77042
Telephone: (713) 934-7000
Facsimile: (713) 934-7011

ATTORNEYS FOR JC PENNEY CORPORATION, INC.; JP MORGAN

**CHASE & CO.; AND MCAFEE, INC.
ON BEHALF OF ALL DEFENDANTS**

Dated: <u>August 26, 2011</u>   **The Lanier Law Firm, PC**

/s/ Daniel W. Bedell
Daniel W. Bedell
LANIER LAW FIRM, P.C.
Christopher D. Banys SBN: 230038
(California)
Lead Counsel
Daniel W. Bedell SBN: 254912 (California)
Carmen Aviles SBN: 251993 (California)
Daniel M. Shafer SBN: 244839 (California)
The Lanier Law Firm, P.C.
2200 Geng Road, Suite 200
Palo Alto, CA 94303
Tel: (650) 332-9100
Fax: (650) 322-9103
cdb@lanierlawfirm.com
dwb@lanierlawfirm.com
cma@lanierlawfirm.com
dms@lanierlawfirm.com

WARD & SMITH LAW FIRM
Wesley Hill SBN: 24032294
111 W. Tyler Street
Longview, TX 75601
(903) 757-6400
(903) 757-2323 (fax)
wh@jwfirm.com

ATTORNEYS FOR INNOVA

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to

electronic service are being served with a copy of this document via the Court's CM/ECF

system per Local Rule CV-5(a)(3) on this 26th day of August, 2011.

/s/ Georgia Perivoliotis
Georgia Perivoliotis